IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22241 of 2004

Between:

Abdul Rasheed S/o Abdul Raheem
R/o L 151, Katedan, Rajendemagar, Ranga Reddy District

..... PETITIONER

AND

The Inspector of Police, Balanagar Police Station, Ranga Reddy District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction more particularly a Writ in the nature of Writ of Mandmaus declaring the action of the respondent in calling the petitioner to the police Station and detaining in the police Station as illegal and violative of the petitioner right to freedom and consequently direct the respondent not to call the petitioner to the police Station.

Counsel for the Petitioner:MR.A.RAVI SHANKAR

Counsel for the Respondent: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner alleges that he is being called to the police station frequently at the instance of one Mr. Ashok Gadodia and being detained for hours together without there being any registered case against him. The petitioner narrated the facts relating to his tenancy agreement with Mr. Ashok Gadodia and root cause for the disputes between them.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The petitioner claims that there was an agreement of lease between himself and Ashok Gadodia in relation to the industrial estate and on finding that the necessary infrastructure was not there, he vacated the same. His main grievance is that when he insisted on refund of the amount deposited by him, his landlord appears to have complained to the respondent and he, in turn, is calling him to the police station.

If the respondent has received any complaint alleging any criminal acts against the petitioner, he is certainly competent to register a case and take up the investigation. During the course of investigation, he is entitled to require the presence of the petitioner and to interrogate him. However, in the absence of any such complaint and without registering any case, the respondent cannot

require the petitioner to attend the police station. Such a course of action would amount to interference with the liberty of the petitioner.

Hence, the writ petition is disposed of directing that the respondent shall not insist the petitioner to attend the police station, unless he receives any complaint against the petitioner and registers the case. No order as to costs.

03.12.2004

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To

1 The Inspector of Police, Balanagar Police Station, Ranga Reddy District

2 Two CCs. to the G.P. for Home, High Court of A.P., Hyderabad

(OUT).

3 Two CD copies.